

ADJOURNMENT

On motion of Senator Aikin the Senate at 4:13 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(May 8, 1975)

S.B. 90

S.B. 151

S.B. 382

S.B. 429

S.B. 509

SEVENTIETH DAY

(Friday, May 9, 1975)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

A quorum was announced present.

The Reverend George H. Fischer, Faith Lutheran Church, Austin, Texas, offered the invocation as follows:

Heavenly Father, we pause in the busy affairs of this day to acknowledge Your Lordship over all of Your creation. We thank You for Your continued concern and care about all Your creatures. We thank You for the evidence of this in a body of people such as the senators of this state. We lift them up to You this day and ask that You bless them--that they in turn will receive this blessing and use it in the decisions they will be called upon to make this day in behalf of all of the people of this state. To You be glory forever. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator McKinnon.

REPORT OF STANDING COMMITTEE

Senator Brooks submitted the following reports for the Committee on Human Resources:

C.S.S.B. 965 (Read first time)

C.S.S.B. 951 (Read first time)

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 9, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2164, A bill to be entitled An Act relating to regulation of the planning, development, construction, modification, and expansion of certain health-care facilities and services; providing conforming amendments and repeals; and declaring an

emergency.

H.B. 127, A bill to be entitled An Act relating to the Unemployment Compensation System for the State of Texas; amending Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936 (Article 5521b-1 et seq., Vernon's Texas Civil Statutes), as amended; and declaring an emergency. (Motion to table **H.B. 127** prevailed by record vote of 71 ayes, 69 nays.)

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILLS ON FIRST READING

By unanimous consent the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Mengden, by request:

S.B. 1091, A bill to be entitled An Act relating to the reinstatement of active membership in the Teacher Retirement System by certain retired members of the system; amending Subsection (c), Section 3.25, Texas Education Code, as amended; and declaring an emergency.

To Committee on Education.

By Senator Jones:

S.B. 1094, A bill to be entitled An Act amending the Parks and Wildlife Code to incorporate legislation enacted by the 64th Legislature, Regular Session, 1975; and declaring an emergency.

To Committee on Natural Resources.

By Senator Moore:

S.B. 1095, A bill to be entitled An Act authorizing creation of a Hospital District over part of Freestone County, to be known as the Teague Hospital District; prescribing a procedure for an election on the creation of the District and the levy of a tax for Hospital District purposes; providing the powers of the District and its governing body; providing for the operation and financing of said District, including the procedures it is to follow; reciting proof of publication of constitutional notice; providing a severability clause; and declaring an emergency.

To Committee on State Affairs.

By Senators Aikin, Snelson and Schwartz:

S.B. 1096, A bill to be entitled An Act to amend Section 16.74, Texas Education Code, prescribing a formula for annual calculation of a county economic index based, in part, on true market value of assessed real property in each school district, as defined and determined herein and providing procedure for a phasing-in of the new index local fund assignments; to amend Sections 16.72 and 16.75, Texas Education Code, providing for a deletion from amount chargeable to school districts and to total county assignments; to amend Section 16.76, Subsection (a) and Section 16.77, Texas Education Code, prescribing implementation and procedure provisions for the

computation of local fund assignment of school districts and notification thereof, thereby to bring into relation the new economic index; also vesting responsibility in the state comptroller of public accounts with regard to validation of certificates of assessments and percentages of assessments upon referral by the Central Education Agency, and to assist in preparation of informational forms necessary to discharge such duties; to amend Subsection (e) of Section 16.76, Texas Education Code, substituting therein a prescribed formula for authorization of a local fund assignment limitation, when applicable; providing an effective date of this Act; providing for a savings clause; and declaring an emergency.

To Committee on Finance.

By Senator Lombardino:

S.B. 1097, A bill to be entitled An Act relating to electioneering and loitering at or near polling places; amending Subsection (b), Section 109, Texas Election Code, as amended (Article 8.27, Vernon's Texas Election Code), to change the distance within which electioneering and loitering are prohibited; and declaring an emergency.

To Committee on State Affairs.

By Senator Doggett:

S.B. 1098, A bill to be entitled An Act relating to student fees for bus service at Southwest Texas State University; amending Subchapter C, Chapter 96, Texas Education Code, by adding Section 96.42; and declaring an emergency.

To Committee on Education.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 2164, To Committee on Human Resources.

SENATE CONCURRENT RESOLUTION 70

Senator Braecklein offered the following resolution:

S.C.R. 70, Requesting Governor to return **S.B. 348** to the Senate.

On motion of Senator Braecklein and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 1083 ORDERED NOT PRINTED

On motion of Senator Patman and by unanimous consent, **S.B. 1083** was ordered not printed.

SENATE RULE 103 SUSPENDED REGARDING HOUSE BILL 2164

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was

suspended in order that the Human Resources Committee might consider **H.B. 2164** today.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 679 ADOPTED

Senator Adams called from the President's table Conference Committee Report on **H.B. 679**. (The Conference Committee Report having been filed with the Senate and read on yesterday.)

On motion of Senator Adams, the Conference Committee Report was adopted by the following vote: Yeas 19, Nays 7.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Gammage, Hance, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Doggett, Harris, Mauzy and Patman.

Absent: Harrington and Santiesteban.

Absent-excused: Longoria, McKnight and Ogg.

SENATE BILL 1083 ON SECOND READING

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1083, A bill to be entitled An Act relating to the licensing of persons engaged in the business of executing bail bonds in certain counties; amending Subsection (c), Section 3, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Patman offered the following Committee Amendment to the bill:

Amend **S.B. 1083** by renumbering Section 2 as Section 4 and inserting new Sections 2 and 3 to read as follows:

"Section 2. Subsection (a), Section 5, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) There is hereby created in all counties having a population of 124,000 [~~150,000~~] or more, according to the last preceding federal census, a County Bail Bond Board.

"Section 3. Subsection (b), Section 12, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Any licensee under this Act may execute bail bonds in the county in which his license is issued and, after being certified by the sheriff in his county, may present a

bail bond to any sheriff in the state having custody of the accused person named therein, except that a sheriff of a county having a population in excess of 124,000 according to the last preceding federal census may require that all bail bonds be executed by persons licensed in that county."

The Committee Amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1083 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1083** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

COMMITTEE SUBSTITUTE HOUSE BILL 552 ON SECOND READING

On motion of Senator Gammage and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 552, A bill to be entitled An Act relating to the creation, establishment, administration, powers, duties, functions, and financing of the Harris-Galveston Coastal Subsidence District under Article XVI, Section 59, of the

Texas Constitution; providing penalties; and declaring an emergency.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend the Committee Substitute to **H.B. 552** in Section 11, line 34, on page 4 by deleting the entire sentence beginning with the words "The attorney general".

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 17.

Yeas: Adams, Andujar, Braecklein, Creighton, Farabee, Jones, Meier, Mengden, Moore, Sherman and Snelson.

Nays: Aikin, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Patman, Santiesteban, Schwartz, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

The bill was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 552 ON THIRD READING

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 552** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent-excused: Longoria, McKnight and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz,

Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent-excused: Longoria, McKnight and Ogg.

SENATE BILL 249 WITH HOUSE AMENDMENTS

Senator Harris called **S.B. 249** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend Section 1, **S.B. 249**, by inserting the words "or officer", on line 14, page 1, after the word "committee."

COMMITTEE AMENDMENT NO. 2

Amend Section 1, **S.B. 249**, by adding the following at the end of Section 3 of the new Article 21.39-B:

"As used herein, the term 'insurance companies' includes stock companies, reciprocals or inter-insurance exchanges, Lloyds associations, fraternal benefit societies, stipulated premium companies, and mutual companies of all kinds, including state-wide mutual assessment corporations, local mutual aids, burial associations, and county mutual insurance companies and farm mutual insurance companies and all other organizations, corporations, or persons transacting an insurance business, unless such insurance companies are by statute specifically, by naming this article, exempted from the operation of this article."

The House amendments were read.

Senator Harris moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 878 WITH HOUSE AMENDMENTS

Senator Harris called **S.B. 878** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

A new Section 9(c) shall be added as follows:

"(c) The District shall comply with all provisions of Chapter 57 of the Texas Water Code providing for the approval, inspection and report by the Texas Water Development Board regarding the construction of levees or other improvements by the District and the approval of the District's Plan of Reclamation."

COMMITTEE AMENDMENT NO. 2

Amend **S.B. 878** by adding at the end of Section 10 the following provision:

"In the event that the district, in the exercise of the power of eminent domain or police power, or any other power granted thereunder, makes necessary the relocation, raising, lowering, rerouting, or changing the grade of, or altering the construction of any railroad, electric transmission, telegraph or telephone lines, properties and facilities, or pipeline, all such relocation, raising, lowering, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the district. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The House amendments were read.

Senator Harris moved to concur in the House amendments.

The motion prevailed.

HOUSE BILL 732 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 732, A bill to be entitled An Act relating to remedies available to certain firemen on certain appeals to a district court; amending Section 18, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 732 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 732** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar and Jones.

Absent-excused: Longoria, McKnight and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**VOTE BY WHICH SENATE CONCURRED IN HOUSE AMENDMENTS TO
SENATE BILL 249 RECONSIDERED**

On motion of Senator Harris and by unanimous consent, the vote by which the Senate concurred in House amendments to **S.B. 249** was reconsidered.

Question - Shall the Senate concur in House amendments to **S.B. 249**?

Senator Harris moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

**VOTE BY WHICH SENATE CONCURRED IN HOUSE AMENDMENTS TO
SENATE BILL 878 RECONSIDERED**

On motion of Senator Harris and by unanimous consent, the vote by which the Senate concurred in House amendments to **S.B. 878** was reconsidered.

Question - Shall the Senate concur in House amendments to **S.B. 878**?

Senator Harris moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria, McKnight and Ogg.

LEAVE OF ABSENCE

Senator Traeger was granted leave of absence for the remainder of today on account of important business on motion of Senator McKinnon.

MOTION TO PLACE SENATE BILL 549 ON SECOND READING

Senator Schwartz asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 549, A bill to be entitled An Act amending Subchapter B, Chapter 55, Texas Education Code by amending Subsection (b) of Section 55.171, and adding Subsections (e), (f), (g), and (h) to Section 55.171 relating to capital improvements and sites therefor in the Texas Medical Center in Houston for the Texas A&M University System in conjunction with Baylor College of Medicine to provide joint facilities for research and teaching the health professions; providing for the financing of same from general revenue and revenue bonds; authorizing the Board of Directors to accept grants

and gifts; providing a severability clause; and declaring an emergency.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up **S.B. 549** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 11.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Lombardino, Mauzy, Moore, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Creighton, Farabee, Hance, Harris, Jones, McKinnon, Meier, Mengden, Sherman and Snelson.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 270 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 270, A bill to be entitled An Act relating to an exception as to exclusion or modification of a consumer's remedies for breach of warranties, etc., in sales of consumer goods by adding Section 2-316A to Chapter 2 of the Business & Commerce Code; amending Section 2-318 of Chapter 2 of the Business & Commerce Code; and declaring an emergency.

The bill was read second time.

Senator Adams offered the following amendment to the bill:

Amend **C.S.S.B. 270** by deleting Section 1 and renumbering the remaining sections accordingly.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 270 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann,

Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 1077 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1077, A bill to be entitled An Act relating to the name of the State Department of Public Welfare; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 1077 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1077** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 893 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 893, A bill to be entitled An Act amending Section 15 of Article 21.28-C, Texas Insurance Code, as amended, to provide that all amounts paid by each insurer on assessments under this Act shall be allowed to such insurer as a credit against its premium tax; to further provide for certain optional manners in which such credit may be taken by the insurer or carried as an admitted asset; and declaring an emergency.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **C.S.S.B. 893** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Mauzy and McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators McKinnon and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 893 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 893** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Mauzy and McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Mauzy and McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

MOTION TO PLACE SENATE BILL 675 ON SECOND READING

Senator Gammage asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 675, A bill to be entitled An Act relating to providing a disability allowance on divorce or annulment; amending Chapter 3, Family Code, as amended, by adding Section 3.631; and declaring an emergency.

There was objection.

(Senator Schwartz in the Chair)

Senator Gammage then moved to suspend the regular order of business and take up **S.B. 675** for consideration at this time.

The motion was lost by the following vote: Yeas 12, Nays 15.

Yeas: Andujar, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Lombardino, Mengden, Santiesteban, Schwartz and Snelson.

Nays: Adams, Aikin, Braecklein, Brooks, Creighton, Hance, Harris, Kothmann, Mauzy, McKinnon, Meier, Moore, Patman, Sherman and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

SENATE BILL 453 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 453, A bill to be entitled An Act relating to the making of certain advance payments to tort claimants; and declaring an emergency.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **S.B. 453** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harrington, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Clower, Gammage, Hance, Mauzy and Patman.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 453** by striking the following words "Sec. 3. Except as provided in Section 7 of this Act," and striking Section 7, and renumbering subsequent sections accordingly.

The Committee Amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend Section 4 of **S.B. 453** to read as follows:

"Sec. 4. If an action results in a jury verdict or decision of the court for damages in favor of a party, the party against whom the verdict or decision is entered may introduce evidence of advance payments after the verdict or decision and before final judgment, and the court shall then reduce the amount awarded to the claimant by the amount of the advance payment proved to have been made prior to trial. Such advance payments shall not be permitted as a reduction of the amount awarded unless there is evidence at the trial on liability that the party to whom the advance payments were made suffered loss as described in Sec. 2 herein, equal to or exceeding the amount of such advance payments. Nothing in this Act shall be construed to deny to any party his constitutional right to trial by jury on the amount of the credit at a time subsequent to the trial on liability and damages."

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Clower and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 453 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 453** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 21, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Eeroos, Creighton, Doggett, Farabee, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden,

Moore, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Clower, Gammage, Hance, Mauzy, McKinnon and Patman.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

SENATE BILL 628 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 628, A bill to be entitled An Act relating to the percentages of crude protein and equivalent protein from nitrogen in commercial feeds; amending Subsection (a), Section 5, Texas Commercial Feed Control Act of 1957 (Article 3881c, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 628 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Bill 68 requiring bills to be read on three several days be suspended and that **S.B. 628** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Snelson and Williams.

Nays: Sherman.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Snelson and Williams.

Nays: Sherman.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

SENATE BILL 366 WITH HOUSE AMENDMENTS

Senator Mauzy called **S.B. 366** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

AMENDMENT NO. 1

Amend **S.B. 366**, First Printing, page 3, line 21 between the terms "adult basic education" and "high school equivalency" by inserting the following:
"adult bilingual education".

AMENDMENT NO. 2

Amend **S.B. 366**, First Printing, line 26, page 3 by adding after the words "education concept" the following:
"using not more than 5% of the funds allocated for adult education".

The House amendments were read.

Senator Mauzy moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

MOTION TO PLACE SENATE BILL 879 ON SECOND READING

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 879, A bill to be entitled An Act amending Subchapter F, Chapter 50, Title 4, Water Code, relating to the subject of annexation by certain districts; establishing a procedure for annexing land to such districts and providing for assumption of the district's indebtedness by the annexed area; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency.

On motion of Senator Patman and by unanimous consent, the motion was temporarily withdrawn.

(Senator Braecklein in the Chair)

SENATE BILL 593 ON SECOND READING

Senator Gammage asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 593, A bill to be entitled An Act relating to the liability of school districts for catastrophic injuries to pupils; and declaring an emergency.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up **S.B. 593** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 7.

Yeas: Andujar, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Patman, Santiesteban, Schwartz, Snelson and Williams.

Nays: Adams, Aikin, Braecklein, Creighton, Farabee, Harris and Sherman.

Absent: Moore.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Gammage offered the following Committee Amendment to the bill:

Add in Section 1 and Subsection (1) the words "to a pupil" after the word "injury" and before the word "which".

The Committee Amendment was read and was adopted.

Senator Gammage offered the following Committee Amendment to the bill:

Add the amount in Section 2 on line 18 "not in excess of 300,000" in place of the word "all".

The Committee Amendment was read.

Senator Gammage offered the following substitute for Committee Amendment:

Amend Section 2 of Senate Bill 593 by striking the period after "15,000" in line 20 and substituting the following:
"but not to exceed '300,000.'."

The substitute for the Committee Amendment was read and was adopted.

The Committee Amendment as substituted was then adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 13, Nays 11.

Yeas: Brooks, Clower, Doggett, Gammage, Jones, Kothmann, Lombardino, Mauzy, Mengden, Santiesteban, Schwartz, Snelson and Williams.

Nays: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Meier, Patman and Sherman.

Absent: Harrington, McKinnon and Moore.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 9, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2032, A bill to be entitled An Act relating to a program for the prevention of, preparation for, response to, and relief or recovery from disasters as defined in this Act; establishing a Division of Disaster Emergency Services, creating a Disaster Contingency Fund, and a Disaster Emergency Funding Board; authorizing the maintenance of local, county, or interjurisdictional disaster agencies and certain municipal agencies; prescribing the functions, powers, and duties of the governor, the legislature, the agencies created or authorized by this Act, and existing state agencies, boards, and commissions, governing bodies of political subdivisions of the state, and local and interjurisdictional agencies; providing for coordination of all plans and facilities, including interstate cooperation and cooperation with the federal government; making certain rules as to compensation of persons for services rendered or property used, damaged, lost, or destroyed during a disaster; repealing the Texas Disaster Act of 1973, as amended (Article 6889-6, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 924, A bill to be entitled An Act relating to the pooling of state-owned aircraft; and declaring an emergency.

H.B. 490, A bill to be entitled An Act relating to the maintenance of a flight log by state agencies operating or maintaining aircraft; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 423 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 423, A bill to be entitled An Act relating to the continuation of benefits after the death of the insured; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 423 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 423** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

(President in the Chair)

SENATE BILL 549 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

S.B. 549, A bill to be entitled An Act amending Subchapter B, Chapter 55, Texas Education Code by amending Subsection (b) of Section 55.171, and adding Subsections (e), (f), (g), and (h) to Section 55.171 relating to capital improvements and sites therefor in the Texas Medical Center in Houston for The Texas A&M University System in conjunction with Baylor College of Medicine to provide joint facilities for research and teaching the health professions; and declaring an emergency.

The motion prevailed by the following vote: Yeas 18, Nays 9.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Lombardino, Mauzy, Mengden, Moore, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Creighton, Farabee, Harris, Jones, McKinnon, Meier, Sherman and Snelson.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Adams, Creighton, Farabee, Hance, Harris, McKinnon, Meier, Jones, Sherman and Snelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 453 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 453** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Clower, Mauzy and Patman.

Absent: McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Clower, Gammage, Mauzy and Patman.

Absent: McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

SENATE BILL 407 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 407, A bill to be entitled An Act relating to adopting the Interstate Compact on the Placement of Children; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 407 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 407** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 339 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 339, A bill to be entitled An Act relating to a non-suit in district and county courts; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 339 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban,

Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

SENATE BILL 495 ON SECOND READING

Senator Clower asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 495, A bill to be entitled An Act relating to county regulation of individuals who administer massages and establishments where massages are administered; prescribing penalties; and declaring an emergency.

There was objection.

Senator Clower then moved to suspend the regular order of business and take up **S.B. 495** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams, Creighton, Jones and Moore.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

SENATE BILL 495 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 495** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams, Creighton and Jones.

Absent: Moore.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Adams, Creighton and Jones asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 711 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 711, A bill to be entitled An Act relating to the deposit of securities by designated State Depositories, by amending Article 2530, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Amend **S.B. 711** by striking Section 1 and substituting in lieu thereof the following:

"Section 1. Article 2530, Revised Civil Statutes of Texas, as amended, is hereby amended to read as follows:

"Article 2530. Deposit of Securities.

"In the event the State Depository, as designated in the preceding Article, shall elect to deposit said pledged securities, above mentioned, with the State Treasurer, the said securities shall be delivered to the Treasurer and receipted for by him, and retained by him in the vaults of the State Treasury. Provided, however, that such bank so designated as depository shall have the option, instead of depositing said pledged securities with the State Treasurer, of depositing same with another State or National Bank situated in the State, subject to the approval of the Board; said securities to be held in trust by said custodian bank to secure funds deposited by the State Treasurer in the depository bank. Upon the receipt of said securities, said custodian bank shall immediately issue and deliver to the State Treasurer controlled trust receipts for said securities pledged to the State Treasurer. The security evidenced by such trust receipts shall be subject to inspection by the Board or its agents at any time deemed advisable by said Board. Said custodian bank shall have a capital stock and permanent surplus of not less than Five Hundred Thousand (\$500,000.00) Dollars, and said bank designated as depository shall itself defray the charges, if any, of such custodian bank for accepting and holding said securities.

"A State Depository bank shall also have the option of depositing said pledged securities with the Federal Reserve Bank of Dallas; such securities to be held by said Bank to secure funds deposited by the State Treasurer in the State Depository bank. When such pledged securities are so deposited and subject to the approval of the Board, the Federal Reserve Bank of Dallas may apply book entry procedures to the pledged securities so held. The records of the Federal Reserve Bank of Dallas shall at all times reflect the name of the State Depository bank for whose account the pledged securities are so deposited, and an Advice of Transaction shall be issued by the Federal Reserve Bank of Dallas to the State Treasurer and the State Depository bank.

"Subject to the approval of the Board, a State Depository may have the right to substitute one group of securities for another group of securities pledged with the State Treasurer, when and as such State Depository may desire to make such substitution, so long as the securities desired to be substituted by such bank shall come within the classification of securities acceptable under the terms of this Act.

"If, in any case, or at any time, such bonds or other securities are not satisfactory security, in the opinion of the Board, for the deposits made under this Act, they may require such additional security to be given as will be satisfactory to them. Said Board shall, from time to time inspect such bonds and see that the same are actually kept in the vaults of the State Treasury and in said custodian banks. If the pledged securities are deposited with the Federal Reserve Bank of Dallas, the Board shall conduct such audits and inspections of the records of the Federal Reserve Bank of Dallas as may be reasonably necessary to verify the existence of and proper accounting for said pledged securities. In the event that any State Depository shall fail to pay deposits or any part thereof on the check of the Treasurer, he shall have the power to forthwith realize upon such bonds or other securities deposited by said bank, and disburse the money arising therefrom, according to law, upon the warrants drawn by the Comptroller upon the funds for which said bonds or other securities were secured. Any bank making deposits of bonds or other securities with the Treasurer under the provisions of this Act may cause such bonds or other securities to be endorsed or stamped, as they may deem proper, so as to show that they are deposited as collateral and not transferable, except as herein provided.

"Upon request of the owner or owners, the Treasurer or custodian bank may surrender interest coupons or other evidence of interest when due on securities deposited by depository banks, provided, said securities are ample to meet the requirements of the State.

"Whenever any private bank now organized as provided for by the private banking laws of Texas should seek to become a depository for State funds or any other governmental agency, it shall agree in writing to submit itself to examination as to its solvency."

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 711 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 711 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams.

Absent: Harrington and Moore.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams and Hance.

Absent: Harrington.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 2032, To Committee on State Affairs.

H.B. 924, To Committee on State Affairs.

H.B. 490, To Committee on State Affairs.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 472	H.B. 1598
S.B. 440	H.B. 1837
H.B. 602	H.B. 1904
H.B. 727	H.B. 1864
H.B. 917	H.B. 341
H.B. 945	H.B. 159
H.B. 1134	H.B. 284
H.B. 1356	H.C.R. 34
H.B. 1543	H.C.R. 139
H.B. 1569	

SENATE BILL 712 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 712. A bill to be entitled An Act to amend the law related to trusts and trustees, Title 125A, Trust and Trustees, Revised Civil Statutes of Texas, by adding a new Article to be Article 7425a-3 relating to the deposit of securities with the Federal Reserve Bank or with a clearing corporation; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator McKinnon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 712 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 712** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams, Hance and McKinnon.

Absent-excused: Longoria, McKnight, Ogg and Traeger.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
May 9, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Medical Examiners: For a six-year term to expire April 13, 1981: Dr. Michael A. Calabrese of El Paso, El Paso County is replacing Dr. Glenn Garland Porter of Lubbock, Lubbock County whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE BILL 86 WITH HOUSE AMENDMENTS

Senator Moore called **S.B. 86** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend Section 15 of **S.B. 86**, which amends Section 16 of **H.B. 104**, Acts of the 41st Legislature, 1st Called Session, 1929, Chapter 65, as amended (codified as Section 16, Article 8407a, Vernon's Annotated Texas Statutes), by striking from the said Section 16 the words "Sec. 4(b)(10)" and substituting in lieu thereof the words "Sec. 4(b)(11)".

COMMITTEE AMENDMENT NO. 2

Amend Section 16 of **S.B. 86**, which amends Section 17 of **H.B. 104**, Acts of the 41st Legislature, 1st Called Session, 1929, Chapter 65, as amended (codified as Section 17, Article 8407a, Vernon's Annotated Texas Statutes), by striking from the said Section 17 the words "Sec. 4(b)(10)" and substituting in lieu thereof the words "Sec. 4(b)(11)".

COMMITTEE AMENDMENT NO. 3

Amend Section 17 of **S.B. 86**, which amends Section 18 of **H.B. 104**, Acts of the 41st Legislature, 1st Called Session, 1929, Chapter 65, as amended (codified as Section 18, Article 8407a, Vernon's Annotated Texas Statutes), by striking from the said Section 18 the words "Sec. 4(b)(10)" and substituting in lieu thereof the words "Sec. 4(b)(11)".

COMMITTEE AMENDMENT NO. 4

Amend Section 18 of **S.B. 86**, which amends **H.B. 104**, Acts of the 41st Legislature, 1st Called Session, 1929, Chapter 65, as amended (codified as Article 8407a, Vernon's Annotated Texas Statutes), by striking from Section 18.1 added thereto the words "Sec. 4(b)(10)" and substituting in lieu thereof the words "Sec. 4(b)(11)".

COMMITTEE AMENDMENT NO. 5

Amend Section 22 of S.B. 86 to read as follows:

"Section 22. Section 9(f), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Section 9(f), Article 8407a, Vernon's Texas Civil Statutes), is amended so as to read hereafter as follows:

"(f) No barber school or college which issues 'Class A' certificates shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered 'Class A' certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five years experience as a practicing barber. Each school shall have at least one teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school. All such teachers are required to obtain a teacher's certificate from the Board and, in addition to requirements set forth by the Board, must meet the following requirements:

"(1) Demonstrate their ability to teach the said curriculum outlined herein through a written and practical test to be given by the Board.

"(2) Hold a current certificate as a registered 'Class A' barber under this law.

"(3) Demonstrate to the Board that such applicant is qualified to teach and instruct, to be determined at the discretion of the Board, and show evidence that the applicant has had at least six months experience as a teacher in an approved school or college in Texas or in another state approved by the Board, or have completed a six-month postgraduate course as a teacher in an approved barber school or college in Texas.

"Applicants desiring an examination for a teacher's certificate shall make an application to the Board and accompany same with an examination fee of \$35. A new application and fee must be presented for each examination taken by the applicant and fees paid are not refundable. A teacher's certificate shall be issued upon satisfactory completion of the examination and payment of a certificate fee of \$35 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year or \$17.50 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year. Teacher's certificates shall be renewed biennially on or before November 1st of odd-numbered years upon the payment of a renewal fee of \$36."

AMENDMENT NO. 6

Amend Section 19 of S.B. 86 to read as follows:

"Section 26. The State Board of Barber Examiners is hereby created and shall consist of six members appointed by the governor with the advice and consent of the Senate. The board shall be composed of the following: Two members shall be Class A barbers actually and actively engaged in the practice of barbering for at least five years prior to being appointed and while serving as a member of the board and who are not holders of a barbershop permit issued by the board; two members shall be barbershop owners holding a permit issued by the board and who are actively and actually engaged in the practice of barbering for at least five years prior to being appointed and while serving as a member of the board; two members shall be persons holding a permit from the board to conduct or operate a barber school or college provided, however, that the three members of the board serving at the time this Act takes effect shall continue to serve for the terms of office to which they were appointed. Within 30 days after the effective date of this Act the governor shall appoint three additional members and at the time of appointment designate one appointee to serve for the same remaining period of time in office as each of the three members then serving so that hereafter the terms of office shall be for six years with terms for two of the six board members expiring at the same time every two years, and so as to at all times have on the board two working

barbers, two shop owners working barbers and two school owners as herein above provided. All members appointed by the governor to fill vacancies in the board caused by death, resignation or removal shall serve during the unexpired term of such member's predecessor. Before entering upon the duties of office, each member of the board shall take the Constitutional Oath of Office and file it with the Secretary of State. Members of the board may be removed from office for cause in the manner provided by the statutes of this state for public officials who are not subject to impeachment. In case of death, resignation or removal, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments."

AMENDMENT NO. 7

Amend Section 9(b) of **S.B. 86** so as to read hereafter as follows:

"Section 9. Section 9(b), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Section 9(b), Article 8407a, Vernon's Texas Civil Statutes), is amended so as to read hereafter as follows:

"(b) Such schools or colleges shall instruct students in the theory and practice of such subjects as may be necessary and beneficial in the practice of barbering, including the following: scientific fundamentals of barbering; hygienic bacteriology, histology of the hair, skin, muscles, and nerves; structure of the head, neck and face; elementary chemistry relating to sterilization and antiseptics; common disorders of the skin and hair; massaging and manipulating the muscles of the scalp, face, and neck, hair-cutting, shaving, shampooing, and bleaching and dyeing of the hair; manicuring, administering facial treatments, hair weaving, servicing wigs, or any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering provided for in this Act."

AMENDMENT NO. 8

Amend Section 7 of **S.B. 86** by striking the last sentence which reads as follows:

"No license, permit or certificate shall be issued by the Board to a person holding any license, certificate or permit issued by the Texas Cosmetology Commission."

AMENDMENT NO. 9

Amend **S.B. 86**, Section 29 by striking the second paragraph and substituting for it the following:

"(b) An applicant for an operator's license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 1,500 hours of instruction in a licensed beauty culture school of which a minimum of 800 hours shall be in the actual practice of cutting and styling hair as a primary service (provided, however, that any licensed operator who, at the time this Act takes effect has had 300 hours of instruction in the actual practice of cutting and styling hair as a primary service in a licensed beauty culture school, or, who has had the equivalent in actual practice as determined by the Texas Cosmetology Commission shall be exempt from the provision of this Act requiring 800 hours of instruction in the actual practice of hair cutting and styling as a primary service in a licensed beauty culture school) or 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the Commission in a public vocational school."

AMENDMENT NO. 10

Amend **S.B. 86**, Section 24 by striking the second paragraph thereof and substituting therefor the following:

"Every person owning, operating or managing a barbershop or beauty parlor shall register his full name and the location of said shop or parlor in a book to be kept in the office of the State Board of Health for that purpose, and every owner, operator or manager of a barbershop or beauty parlor that is first opened for business hereafter shall within five days after the opening of such shop or parlor register in like manner. In event of a change in the manager or location of any such shop or parlor, the manager of same shall call at or communicate by mail with said board within five days after such change takes place and inform said board thereof. In order that the public may fix responsibility for services, acts or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such Board and Commission which might impede effective administration or enforcement of the laws under their respective jurisdiction, from and after January 31, 1976, no person licensed by the Barber Board shall perform, offer or attempt to perform any act, service or treatment by authority of any such license on the premises of any beauty parlor, beauty salon, specialty salon, beauty culture school or college or any location under the jurisdiction of the Texas Cosmetology Commission, and no person licensed by the Cosmetology Commission shall perform, offer or attempt to perform any act, service or treatment by authority of any such license on the premises of any barbershop, specialty shop, barber school or college or any location under the jurisdiction of the State Board of Barber Examiners."

AMENDMENT NO. 11

Amend Section 15 by adding Subsection (e) to read as follows:

"Any person who at the time this Act takes effect, holds a cosmetology license or manicurist license issued by the Cosmetology Commission may make application for and upon paying the fee be granted a manicurist license by the Barber Board without examination."

AMENDMENT NO. 12

Amend S.B. 86, Second Printing, page 12, line 20 by deleting the words "manipulating the".

FLOOR AMENDMENT NO. 13

Amend S. B. 86, Second Printing, as follows:

(1) On page 10, line 18, strike all of Subsection "(b)" and renumber Subsection (c) as Subsection (b).

(2) Insert a new section after Section 12 to read as follows:

"Sec. _____. Section 13, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. Any person who is at least sixteen and one-half years of age, ~~and who can furnish evidence of good moral character and temperate habits,~~ and who has a diploma showing graduation from a seven-grade grammar school, or its equivalent as determined by an examination conducted by the Board, and either

"(a) Has a license or certificate of registration as a practicing barber from another State or country, which has substantially the same requirements for licensing or registering barbers as required by this Act, or

"(b) Who can prove by personal affidavit that he has practiced as a barber in another State for at least two years immediately prior to making application in this State, and who possesses the qualifications required by this Act, shall, upon payment of the required fee, be issued a permit to practice as a journeyman barber only until he is called by the Board of Barber Examiners to determine his fitness to receive a certificate of registration to practice barbering. Should such applicant fail to pass the required examination he shall be allowed to practice as a journeyman barber until he is called by the Board for the next term of examination. Should he fail at the examination he must cease to practice barbering in this State."

(3) Strike (b) on page 14, line 5.

(4) Insert the following before Subsection (b) on page 14, line 9:

"Section 14. (a) Any assistant barber who is at least sixteen and one-half years of age ~~and who is of good moral character and temperate habits~~ and who has a diploma showing graduation from a seventh grade grammar school, or an equivalent education as determined by an examination conducted by the Board, and who has a certificate of registration as an assistant barber in a State or country which has substantially the same requirements for registration as an assistant barber as is provided for by this Act, shall upon payment of the required fee be issued a permit to work as an assistant barber until called by the Board of Examiners for examination to determine his fitness to receive a certificate of registration as an assistant barber. Should such person be able to pass the required examination, he will be issued a certificate of registration as a registered assistant barber, and that the time spent in such other State or country as an assistant barber shall be credited upon the period of assistant barber required by this Act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber."

(5) Insert a new section after Section 21 to read as follows:

"Sec. _____. Section 21, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. The board shall either refuse to issue or to renew, or shall suspend or revoke any certificate of registration for any one of, or a combination of the following causes:

"(A) Gross malpractice;

"(B) Continued practice by a person knowingly having an infectious or contagious disease;

"(C) Advertising by means of knowingly making false or deceptive statements;

"(D) Advertising, practicing, or attempting to practice under another's trade name or another's name;

"(E) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;

~~"(F) Immoral or unethical conduct;~~

"(F) ~~(G)~~ The commission of any of the offenses described in Section 24 of this Act:

"(G) ~~(H)~~ No certificate shall be issued or renewed, unless and until each applicant shall present a health certificate from a regular practicing medical doctor showing that the applicant is free from any kind of infectious or contagious diseases, tuberculosis, communicable diseases, and free from the use of any kind of morphine, cocaine, or other habit-forming drug, or a habitual drunkard and that said applicant shall make affidavit to said medical examiner that all of the said facts are true."

(6) Insert a new section after Section 41 to read as follows:

"Sec. _____. Section 42, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 42. **GROUND FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMIT.** A license may be denied, or after hearing, suspended

or revoked if the applicant or licensee has:

~~“(1) been convicted of a felony involving moral turpitude or misdemeanor involving immoral conduct; the record of conviction is conclusive evidence of the named felony or misdemeanor;]~~

“(1) ~~(2)~~ secured a license by fraud or deceit;

“(2) ~~(3)~~ violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act;

“(3) ~~(4)~~ knowingly made false or misleading statements in any advertising of the licensee's services;

“(4) ~~(5)~~ advertised, practiced, or attempted to practice under the name or trade name of another licensee under this Act; or

“(5) ~~(6)~~ been found by the executive director to be an habitual drinker or addicted to the use of any narcotic drug.”

(7) Renumber all sections appropriately.

AMENDMENT NO. 14

Amend **S.B. 86**, Section 23A, by deleting the last sentence in the quoted Subsection (b), and substituting in lieu thereof the following:

“....In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.”

AMENDMENT NO. 15

Amend **S.B. 86** by renumbering Sections 39-45 as Sections 40-46 and inserting a new Section 39 to read as follows:

“Section 39. Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended by adding Section 26A to read as follows:

“Section 26A. **NONPROFIT, TAX-EXEMPT VOCATIONAL SCHOOLS.**
A nonprofit, tax-exempt vocational educational institution that offers cosmetology courses is subject to the provisions of Section 26 of this Act, and may not be classified as a private beauty culture school.”

The House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, May 12, 1975

C.S.S.B. 69 - Senator Moore
S.B. 96 - Senator Ogg (Third reading)
S.B. 102 - Senator Brooks
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
C.S.S.B. 116 - Senator Mengden
C.S.S.B. 117 - Senator Mengden
C.S.S.B. 162 - Senator Harris
S.B. 172 - Senator Mengden
S.B. 196 - Senator Santiesteban (Third reading)
S.B. 200 - Senator Clower
S.B. 203 - Senator Clower
S.B. 232 - Senator Mengden
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 293 - Senator Mauzy
S.B. 418 - Senator Ogg (Third reading)
S.B. 430 - Senator Mengden
C.S.S.B. 448 - Senator Mauzy
S.B. 494 - Senator Clower
S.B. 496 - Senator Mauzy (Third reading)
S.B. 522 - Senator Santiesteban
C.S.S.B. 526 - Senator Harrington
C.S.S.B. 548 - Senator Brooks
S.B. 593 - Senator Gammage (Third reading)
C.S.S.B. 706 - Senator Mauzy
S.B. 708 - Senator Mauzy
S.B. 710 - Senator Mauzy (Third reading)
S.B. 719 - Senator Mauzy
S.B. 725 - Senator Patman
S.B. 779 - Senator Mengden
S.B. 812 - Senator Santiesteban
S.B. 815 - Senator Gammage
S.B. 817 - Senator Gammage
C.S.S.B. 781 - Senator Mengden
S.B. 879 - Senator Patman
S.B. 899 - Senator Mauzy
S.B. 905 - Senator Ogg
C.S.S.B. 908 - Senator Ogg
C.S.S.B. 916 - Senator Harrington
C.S.S.B. 939 - Senator Mauzy
C.S.S.B. 964 - Senator Aikin
S.B. 965 - Senator Brooks
C.S.S.B. 980 - Senator Mauzy
C.S.S.B. 1034 - Senator Mauzy
S.B. 1055 - Senator Schwartz
S.B. 1056 - Senator Schwartz